

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DYSON TECHNOLOGY LIMITED)
and DYSON, INC.,)
Plaintiffs,)
v.) Civil Action No. 05-434-GMS
MAYTAG CORPORATION,) REDACTED FOR PUBLIC FILING
Defendant.)

DEFENDANT HOOVER, INC.'S REPLY MEMORANDUM OF LAW
IN SUPPORT OF ITS MOTION *IN LIMINE* TO EXCLUDE TESTIMONY OF
PLAINTIFFS' EXPERT JOEL H. STECKEL REGARDING CAUSATION

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Dr. Steckel's novel approaches are unreliable and nonsensical. They are based solely on speculation, and, therefore, should be excluded.

I. ARGUMENT

"[N]ovel scientific evidence carries with it concerns over trustworthiness and reliability akin to those raised by offers of hearsay evidence." *U.S. v. Downing*, 753 F.2d 1224, 1240 n.21 (3d Cir. 1985). "[B]ecause of the potential dangers raised by novel scientific evidence, prudence counsels that the court play a role in keeping unreliable scientific evidence from the jury." *Id.* As Dr. Steckel's approaches have not been subject to peer review, are not generally accepted, and were created *solely* for purposes of this litigation, Dr. Steckel's approaches are speculative, untrustworthy, and unreliable. *See Calhoun v. Yamaha Motor Corp., U.S.A.*, 350 F.3d 316, 322 (3d Cir. 2003); *Oddi v. Ford Motor Co.*, 234 F.3d 136, 148, 156, 158 (3d Cir. 2000); *Elcock v. Kmart Corp.*, 233 F.3d 734, 748-49 (3d Cir. 2000).

HOOVER, INC.

Dated: April 26, 2007

Respectfully submitted,

/s/ Francis DiGiovanni

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EXHIBITS A-B
HAVE BEEN REDACTED

CERTIFICATE OF SERVICE

I, Francis DiGiovanni, hereby certify that on April 26, 2007, copies of the foregoing document were served on the following counsel of record in the manner indicated:

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